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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,575	06/25/2003	Gaurav Mittal	004770.00490	3333

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WASHINGTON, DC 20005-4051

EXAMINER

SU, BENJAMIN

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/603,575

Applicant(s)

MITTAL, GAURAV

Examiner

Benjamin Su

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

NOTICE

1. In claim 1, line 5, the term "adopted to " is not a positively recited claim limitation. Therefore, the limitations after the term are not considered as claim limitations. It is suggested the applicant remove the term. See MPEP 2111.04.

Information Disclosure Statement

2. The information disclosure statement filed 10/03/2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, line 4, the recitation of "said method" is vague and indefinite. It is not clear if it is referring back to "a method of communicating in a data communication system" or "a method for embedding control information into individual packets".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 16, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rune et al. (US 2003/0069988)

Rune et al. disclosed, regarding claim 1, an apparatus comprising:

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a formatter (see paragraph 53, lines 8 – 10, wherein the processor corresponds to a formatter) adapted to receive indications representative of the data to be communicated pursuant to the packet communication service (see paragraph 53, lines 10 – 14), the formatter for formatting the indications into the individual packets, each of at least selected ones of the individual packets formatted to include a Control field that is populated with values that identify session control information, used in control of effectuation of the packet communication service (see paragraph 40, lines 10 – 18, paragraph 41, lines 11 – 18);

regarding claim 16, a method comprising:

obtaining indications representative of the data to be communicated pursuant to the packet communication service (see paragraph 53, lines 10 – 14); and formatting the indications into the individual packets, each of at least selected ones of the individual packets formatted to include a control field that is populated with values that identify session control information used in control of the packet communication service (see paragraph 40, lines 10 – 18, paragraph 41, lines 11 – 18);

regarding claim 20, the method further comprising:

sending the individual packets to a data receiving device (see paragraph 53, lines 10 – 12); detecting, at the data receiving device, the individual packets (see paragraph 40, line 13); and extracting the control information therefrom (see paragraph 40, lines 13 – 15).

Claim Rejections - 35 USC § 103

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 – 6, 10 – 12, 14, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune et al. in view of the admitted prior art.

For claims 2 - 6, 10 – 12, 14, 17, 18, Rune et al. disclosed all the subject matter of the claimed invention and each of the selected ones the packets comprise a header part and a header extension part (see paragraph 40, lines 5 – 6) and wherein the control field is embodied at the header extension part (see paragraph 40, lines 15 – 18) as recited in claim 3;

each of the header parts of the packets includes an indication field to indicate presence of the header extension part and wherein the formatter further populates the indication field to indicate the presence of the header extension part (see paragraph 40,

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lines 11 – 15, wherein the L-CH field corresponds to an indication field) as recited in claim 4;

the header extension part comprises a first portion and at least a second portion (see paragraph 44, lines 1 – 4, wherein the EXT-L_CH field corresponds to a first portion, length of signaling data field and reserved field correspond to a second portion), the first portion comprising the control field and wherein the formatter populates the first portion of the header extension part with values of the control information (see paragraph 41, lines 12 – 18) as recited in claim 5;

wherein the control field is selectably populated with first values, the first values indicating remaining portions of the header extension part to be non-packet-communication-service, control-information related (see paragraph 41, lines 13 – 14) as recited in claim 6;

wherein the control field embodied at the header extension part includes a first section of a two bit length (see paragraph 41, lines 12 – 13, wherein the EXT-L_CH field corresponds to a first section) as recited in claim 10;

wherein the control field embodied at the header extension part further includes a second section of a two bit length (see paragraph 44, lines 3 – 4, wherein reserved field correspond to a second section) as recited in claim 11;

wherein the first section comprises an INFO field and wherein the section comprises a defined-by-profile field as recited in claim 12 (see paragraph 44, lines 2 – 3; wherein length of signaling data field corresponds to a defined-by-profile field) as recited in claim 12;

wherein the control field embodied at the header extension part further includes a third section (see paragraph 44, line 2 – 3, wherein length of signaling data field corresponds to a third section), the third section populated with values when the first section is of selected values (see paragraph 41, lines 13 – 18, paragraph 42, lines 1 – 3) as recited in claim 14;

wherein each of the selected ones of the packets comprise a header part and a header extension part (see paragraph 40, lines 5 – 6) and wherein the control information formatted during the operation of formatting is formatted into the header extension part (see paragraph 40, lines 15 – 18) as recited in claim 18.

Rune et al. fail to teach

the individual packets into which the control information is embedded comprise RTP-formatted packets, and packets being RTP-formatted packets as recited in claim 2;

packets being RTP-formatted packets as recited in claims 3, 4, 17, 18;

The admitted prior from the same or similar field of endeavors teach the individual packets into which the control information is embedded comprise RTP-formatted packets (see paragraph 12, lines 1 – 5), and packets being RTP-formatted packets as recited in claim 2 (see paragraph 12, lines 1 – 5);

packets being RTP-formatted packets as recited in claims 3, 4, 17, 18 (see paragraph 12, lines 1 – 5);

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use RTP-formatted packets in the apparatus and method taught

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by Rune et al. in order to maintain correct sequencing of data transmitted (see paragraph 12 lines 4 – 5);

Rune et al. fail to teach a section of a three-bit length as recited in claim 10;
a section of a seventeen-bit length as recited in claim 11;

However, it would have been obvious to a person of ordinary skill in the art at the time of invention to define a section of having any length in order to provide flexible system design (see Rune et al. paragraph 42, lines 15 – 17).

10. Claims 7, 8, 13, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rune et al. in view of the admitted prior art as applied to claim 3, 16 above, and further in view of Gai et al. (US 2004/0109443).

Rune et al. and the admitted prior art teach all the subject matter of the claimed Invention as recited in paragraph 5, and 8 of this office action and the packet communication service comprises a real time communication service (see admitted prior art paragraph 12, lines 1 – 5) as recited in claim 19.

Rune et al. and the admitted prior art fail to teach the control field is selectably populated with second values, the second values indicative of delay of communication of subsequent data packets communicated pursuant to the packet communication service as recited in claim 7;

the control field is selectably populated with third values, the third values indicative of termination of communication of subsequent data packets pursuant to the packet communication service as recited in claim 8;

wherein the first section and the second section are separated by at least a first bit forming a padding field as recited in claim 13.

the control field into which each of the at least the selected ones of the individual packets is formatted to include comprises pause information associated with subsequently transmitted ones of the individual packets as recited in claim 19;

Gai et al. from the same or similar field of endeavors teach the control field is selectably populated with second values, the second values indicative of delay of communication of subsequent data packets communicated pursuant to the packet communication service (see paragraph 42, lines 5 – 7, wherein SS=00, SS=10 correspond to second values indicative of delay of communication of subsequent data packets) as recited in claim 7;

the control field is selectably populated with third values, the third values indicative of termination of communication of subsequent data packets pursuant to the packet communication service (see paragraph 43, TABLE I, Column "Comman/Response" DISC Command, Column "Description" Disconnect, Column "MMMMM" 00010, wherein the value 00010 corresponds to the third values indicative of termination of communication of subsequent data packets) as recited in claim 8;

wherein the first section and the second section are separated by at least a first bit forming a padding field (see paragraph 42, lines 5 – 7, wherein the next two bits SS correspond to the first section and the next four bits correspond to a padding field, the Poll/Final bit corresponds to the second section) as recited in claim 13.

the control field into which each of the at least the selected ones of the individual packets is formatted to include comprises pause information associated with subsequently transmitted ones of the individual packets (see paragraph 42, lines 5 – 7, wherein SS=00, SS=10 correspond to pause information associated with subsequently transmitted ones of the individual packets) as recited in claim 19.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use teach the control field is selectably populated with second values, the second values indicative of delay of communication of subsequent data packets communicated pursuant to the packet communication service as recited in claim 7;

the control field is selectably populated with third values, the third values indicative of termination of communication of subsequent data packets pursuant to the packet communication service as recited in claim 8;

the control field into which each of the at least the selected ones of the individual packets is formatted to include comprises pause information associated with subsequently transmitted ones of the individual packets as recited in claim 19 in the apparatus and method taught by Rune et al. and the admitted prior art in order to increase the efficiency of the control field by providing multiple commands within the same control field.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the first section and the second section are separated by at least a first bit forming a padding field as recited in claim 13 in the apparatus taught by

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Rune et al. and the admitted prior art in order to allow easy processing by ending the header in 16 or 32 bit boundary.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rune et al. in view of the admitted prior art as applied to claim 3 above, and further in view of Nassar (US 2004/0004968).

Rune et al. and the admitted prior art teach all the subject matter of the claimed Invention as recited in paragraph 8 of this office action.

Rune et al. and the admitted prior art fail to teach the control field is selectably populated with fourth values, the fourth values indicating the data of the data packet associated therewith to be application-dependent as recited in claim 9.

Nassar from the same or similar field of endeavors teach the control field is selectably populated with fourth values, the fourth values indicating the data of the data packet associated therewith to be application-dependent (see paragraph 41, lines 12 – 14, paragraph 46, lines 11 – 18) as recited in claim 9.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use teach the control field is selectably populated with fourth values, the fourth values indicating the data of the data packet associated therewith to be application-dependent as recited in claim 9 in order to apply correct NAT rule (see Nassar, paragraph 46, lines 15 – 18).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fraser et al. (US 67078019) and Parry et al. (US 6975627) are cited to show methods which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Su whose telephone number is 571-270-1423. The examiner can normally be reached on Monday - Friday 10 - 3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on 571-272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BZS

Benjamin Sn

KWANG BIN YAO
PRIMARY EXAMINER

A stylized, handwritten signature in black ink, likely belonging to Kwang Bin Yao, the Primary Examiner.